

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY JUNE 2, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Rich Smith (Chair), Scott McLeod, Bobby Hyman, Joseph Garrison, David Lambert, Eddie Nobles

Board Members Absent: Aaron McNeill (Vice Chairman), Gene Horne

Staff Present: Debra Ensminger, Planning Director
Brenda White, Deputy County Attorney
Lydia Cleveland, Administrative and Transportation
Program Manager

CALL TO ORDER

Chairman Rich Smith called the meeting to order.

INVOCATION

Board Member Scott McLeod offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Eddie Nobles led in the reciting of the Pledge of Allegiance

MISSION STATEMENT

Board Member David Lambert read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of May 5, 2016
- C. Consideration of Abstentions

Board Member McLeod motioned to approve the Consent Agenda and the motion was seconded by Board Member Nobles. The motion passed unanimously (6-0).

PUBLIC HEARING(S)

Chairman Rich Smith introduced the public hearing as the following.

HCE Moore II, LLC is requesting a Conditional Use Permit to construct a commercial Solar Collector Facility on approximately 27.5 acres of an overall approximately 127 acre parcel (ParID 00005347) located at 415 Stage Road, owned by William Richard Pressley as identified in Moore County tax records..

Planning and Transportation Director presented the following on the behalf of Theresa Thompson, Moore County Senior Planner. "This is a request to locate a solar collector facility approximately 120 feet to the south of Stage Road. The property is located approximately 3,000 feet to the southeast of the town limits of Carthage. Planning staff contacted the Town of Carthage due to close proximity of the property to the town's extra territorial jurisdiction. The Town Clerk, Karen O'Hara stated the town has no concerns regarding this request. The current use of the property is agriculture crop land. The storage buildings as shown on the pictures included in your staff report will be demolished by the applicant as demonstrated on the site plan. Adjacent land uses include single family homes and agricultural crop lands. The project area will comprise of approximately 27.5 acres of the 127 acre lot. The site plan meets the UDO screening requirements by utilizing type 3 screening to the side and rear of the property adjacent to residentially zoned property. In addition to the Unified Development Ordinance minimum screening requirements the applicant will preserve the 100 foot vegetative buffer along the front property line. The applicant is imposing this standard as an additional condition for approval as listed in the staff report. The proposed site plan meets all development ordinance requirements. In addition the applicant has agreed that all specific use standards will be met as specified in the Unified Development Ordinance which will be inspected by county staff before a Certificate of Occupancy is issued. Tonight's request is a Quasi-Judicial case, which requires 4 findings of fact to be met as listed in the staff report. Any recommendation of denial would need to include which finding is not met and how it is not met. Staff recommends the additional conditions as agreed upon by the applicant and listed in the staff report of preserving the 100 foot vegetative buffer along the front property line and removing the 3 existing structures on the property prior to the Certificate of Occupancy issuance. There may need to be minor adjustments made to the site plan therefore staff also recommends including an additional condition to the motion if approved as stated in the staff report that reads should the zoning administrator, building inspector, environmental health, NC DOT, or the Fire Marshal identify minor changes staff shall be authorized to accept such minor modifications to the site plan as necessary. The presentation was followed by no discussion from the board.

Mr. Alexander Cox spoke on behalf of the applicant Harley James Morrison, II from 727 West Hargett Street Raleigh, NC 27510 applying for a conditional use permit for HCE Moore II as solar collector facility be located at 415 Stage Road in Carthage, NC stated the following as part of his presentation . The property is currently zoned RA (Rural Agriculture), permitted uses within this zone or district include solar collector facilities under a conditional use permit with standards as set out in ordinances. To address the

finding that the use meets all required conditions let take a look at the site place. In terms of location, the site is located within three miles of the substation on Vass Carthage Road. Setbacks are met or exceeded with 50 foot setbacks and adjoining residential properties, 65 feet from the rights-of-way and centrally located inverters that exceed 150 feet to properties boundaries. In terms of glare, we have addressed that through our layout and supplemental and existing screening both for approved solar components. All components are UL listed and will be installed with accordance with applicable building and electrical codes. The height of our system will not exceed 25 feet. Look to the left of the site plan the top of the solar panels will be about 8 feet. We will be connecting to Duke Power lines that already exist along Stage Road and along Stage road we have a 100 foot natural vegetative buffer that is pre existing that we want to maintain. In addition to that screening as outlined in the ordinance where we adjoin residential properties and on the east side as well. The facility will be fenced to a height of 6 feet with 3 strands of barbed at the top with an emergency access allowed 24/7, with disconnects labeled and locations pointed out to the appropriate authorities. In the event of a failure of other conditions that would lead to the ending of generating power we will remove the system and notify Moore County. If you look at the far western edge you will see that the solar components do not come within 50 feet, we get that by adding the 20 ft wide buffer with 20x25 foot internal road. On the eastern edge we are setback in excess of 50 feet per zoning requirements. If you direct your attention to the center of the array you will see an access road and along that access road there are three 1.67 Megawatt inverters. Those inverters are located centrally to be in excess of 150 feet from the property boundary. Access to the site will be in the northeast corner from Stage Road. We also have an internal road system that will allow us to access the site. The east edge has a 3 layer buffer consisting of 7 trees and 7 shrubs, and 14 trees per 100 linear feet as detailed in Moore County Ordinances. Along Stage Road this is one of the best screening sites I have seen from Stage Road. We have 100 feet of natural pines and under growth located there that screens the property from Stage Road and really keeping it out of site. When the times comes to decommission, we notify the County immediately. All structures and equipment will be removed within six months but really we don't foresee that becoming an issue. These solar sites as you are aware have been installed numerous times in the county and have a very long life. We expect to see minimal degradation in the first 20 years. The panels are guaranteed to maintain at least 80% output through that time which that means at the end of 20 years we will be churning out a good amount of power that continues roughly lineally to increase the lifespan of the project. That I hope will satisfy your finding that we are in conformity with the conditions of the Conditional Use Permit for solar facilities. Further I would put forward that you find the use will not be detrimental or endanger the public health and safety moral or comfort for general welfare. The site is secured like I described with a 6 foot fence topped with 3 strands of barbed wire. The solar farm produces no emissions and will be constructed in accordance with applicable building, electrical codes and meet all listing requirements and the farm will provide power to Carthage and the greater Moore County area. On the finding that we will not adversely affect the use or any physical attribute of adjoining or abutting property. This facility has no off site emissions, no lighting, minimal traffic, and screening as described earlier. The use will not be detrimental to the enjoyment of nearby property. One similar use in agricultural improvement is Greenhouses; they are both

passive solar collectors like a PV system and have similar visual impact. As to the finding that the location and character of the use will be developed according to the plan as submitted and it will be in harmony with the area. As described by the staff numerous agricultural uses are on properties bordering and we intend to continue that harvesting of the sun with this project. Further it has no sound above ambient levels at the fence line, no smells, and no emissions. We have a low visual impact and are well screened from Stage Road and other properties as detailed in the site plan. The applicant asked for questions.

Board Member McLeod asked Mr. Cox what his occupation is and the term of the project. Mr. Cox stated he is solar developer and there is a 30 year lease in place. Board Member McLeod stated that the natural buffer is made up of pine trees, oak trees, dogwood trees and over a period of 30 year those trees are going to grow. Mr. Cox stated that as the trees grow he expects the understory will continue to grow and provide an effective screening throughout the term of the project. Board Member McLeod continued and asked who did the real estate value survey. Mr. Cox commented that Mr. Rich Kirkland is usually used but he could not be present at this meeting. Board Member Lambert further asked if he was consulted at all in this case. Mr. Cox stated the he was not contacted but we would be happy to.

Board Member Lambert asked for specifics regarding sound from the inverters. Mr. Cox stated that the inverters are specked out to have an immediate proximity output of noise at about 60 decibels, at 150 feet back that sound drops below 50 decibels with further deductions as you move away. Board Member Lambert asked how far the inverter on the far right is from the homes across the street on Stage Road. Mr. Cox stated that each inverter would be approximately 200 feet away due to setback requirements.

Board Member Joseph Garrison asked how often scheduled maintenance is completed. Mr. Cox stated most of the maintenance comes from maintaining the lawn which can defer from once a month during the summer to longer intervals during the winter when the grass becomes dormant.

Chairman Smith stated that the site does meet requirements as staff has stated and it was generous to leave the 100 feet of natural trees but asked if it is possible to locate the potential sparse areas under the trees. Mr. Cox stated that he would be happy to review the screening program and possibly provide additional screening.

Board Member Garrison asked if the site insured or bonded. Mr. Cox stated that they will provide an engineer's testimony or report that stated the salvage value far outweighs the cost of removal.

Board Member McLeod asked since the applicant has not provided evidence that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity should the Board even vote on this case. Deputy County Attorney Brenda White stated that that she doesn't see any way the Board cannot vote.

Board Member Garrison asked who has the burden of proof and Ms. White stated that this is up to the applicant.

Board Member Garrison asked Mr. Cox that in his experience has he seen any issues where it has an effect. Mr. Cox stated he has not seen any from his past projects.

Ms. Ensminger stated that if the Board does not feel comfortable the item can be tabled but at the time it is forwarded the information must be provided. Ms. White further stated that it could be passed based on the condition of required information.

The Board requested to here further testimony before making a decision.

Ms. Sara Webster of 1145 Union Church Road stated that she is concerned with the hazardous chemicals used in the solar panels and the value of property in the area. Ms. Webster requested additional conditions be made if the Board agrees to recommend approval. Ms. Webster submitted a packet of information for the record. Board Member McLeod asked where Ms. Webster's property was and Mr. Webster explained through the map provided. McLeod further asked about the chemicals that are used that she found during her research. Ms. Webster explained that it depends on where they come from but cadmium and silicone is ones she remembered.

Dr. Herb Eckerlin a Mechanical and Aerospace Engineering professor at NC State spoke on behalf of the Webster's. Dr. Eckerlin provided testimony regarding the herbicides that are used, declining property values, broken panels, and the specific panels that are installed versus part of an application. Board Member Garrison asked if Mr. Eckerlin had any data regarding his testimony and Mr. Eckerlin stated he did not.

Chairman Smith asked for Mr. Cox to speak about Mr. Eckerlin testimony. Mr. Cox stated the panels are UL Listed and will be installed in accordance with national and state electrical codes. Can assure permits will be filed for Stormwater and typically we use mowers and weed whackers to address maintenance. In the case of broken panels it will be identified and repaired and to the best of my knowledge based on the specifications from the panel manufacturer they are not classified as a hazardous waste.

The Board held further discussion regarding the use of the case.

Mr. Harry Webster of 1145 Union Church Road reviewed the map and shared concerns the regarding the stormwater runoff, screening and the topography of his land adjacent to the proposed location of the solar facility. Scott McLeod asked what specific chemicals he is concerned about, and Mr. Webster stated herbicides.

The Board held further discussion regarding the use of the case.

Board Member Joseph Garrison made a motion to endorse the Moore County Board of Commissioners to approve the Conditional Use Permit for the use of a Solar Collector Facility on the parcel known as ParID# 00005347 including additional conditions one

through three. Chairman Smith held discussion regarding the additional screening and the applicant agreed to find an acceptable screening solution. The motion failed.

Board Member David Lambert made a motion to endorse the Moore County Board of Commissioners to deny the Conditional Use Permit for the use of a Solar Collector Facility on the parcel known as ParID# 00005347 including additional conditions one through three. Board Member Lambert stated the reason as follows “ I don’t think we can affirmatively state that they meet required finding number three; The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. There has been no evidence saying that it will not, there’s been suggestions instantiated that it may not, but there has been no proof from the applicant that it will not, given there has been no appraisal.” The motion was seconded by Board Member Scott McLeod and the motion passed 4-2. (**Chairman Rich Smith and Board Member Joseph Garrison were dissenting votes**).

OTHER BOARD MATTERS

Board Member McLeod asked for clarification regarding the 4 findings of fact. Ms. White stated they are required findings but the question of the standard of proof comes into consideration. The Board held further discussion Board Member McLeod’s concerns.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger stated the Unified Development Ordinance is done and an electronic copy will be provided to you via email.

BOARD COMMENT PERIOD

No comments were made by the Board.

ADJOURNMENT

Board Member Garrison made a motion to adjourn. The motion was seconded by Board Member McLeod. The motion passed unanimously (6-0)

Respectfully submitted by,

Lydia Cleveland